IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Guruprashanth A. Bellipady et al.

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Examiner: Longbit Chai

Art Group: 2131

Docket No.: 33692.03.3632

Title: **MOBILE DEVICE AND METHOD FOR PROVIDING CERTIFICATE BASED CRYPTOGRAPHY**

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Commissioner for Patents
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REMARKS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

Applicant respectfully submits that the Examiner's rejections include clear errors because one or more claim limitations are not met by the cited references and the references do not teach what the Examiner alleges.

Claim 1 requires, among other things, that a mobile device includes a receiver operative to receive a wireless transmission of a certificate revocation notification over a broadcast channel and an authenticator that is operative to receive the certificate revocation notification and authenticate signed comparison data included within the certificate revocation notification. The office action alleges that Zubeldia teaches signed comparison data that is included within the certificate revocation notification. In particular, the "Response to Arguments" section of the Final Action states "Signed comparison data (Zubeldia: column 2, line 50-54 and column 4, line 8-18/line 4-7) (a) a digital signature used as qualified as a signed comparison data" (page 3 of final action). As such, the office action states that a mere digital signature is the signed

comparison data. Applicants respectfully note however, that this is improper claim construction as the term requires that it is not only signed, but it is also comparison data. As set forth in Applicants' Specification, paragraphs 26, 27 and elsewhere, the signed comparison data may be, for example, a combination of a certification authority identifier and revocation reason data that is compressed using a hash algorithm and then digitally signed. This information is then used to compare to other data in an authentication operation. Zubeldia is silent as to any such operation. In fact, the cited portions instead refer to merely the signature on the certificate. There is no mention of signed comparison data in the cited portion that is part of a certificate revocation notification. In addition, column 4 merely refers to the fact that a certificate revocation list (CRL) contains a certificate serial number. Again, there is no signed comparison data included within a certificate revocation notification that is used by an authenticator in a mobile device or any device described in Zubeldia. As such, the reference does not teach what is alleged and the rejection should be withdrawn and the claim passed to allowance.

Independent claims 10, 18 and 22 all require a certificate revocation notification, which is different from a certificate revocation list as set forth in the Applicants' Specification. However, the cited references, namely Simon and Zubeldia both describe using merely certificate revocation lists. In addition, the Examiner stated that "Simon teaches providing control and accountability through the use of digital certificate and associate revocation list over a wireless network environment." (Emphasis added). Also, Zubeldia specifically teaches the use of CRLs throughout the reference. As Applicants' disclosed in the background to the invention, data communication in mobile devices presents unique problems related to bandwidth limitations and available memory. As discussed above, Zubeldia also includes the use of certificate revocation lists as does Simon as admitted by the Examiner. Neither Simon nor Zubeldia either alone or in

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view of each other, teach or suggest the claimed subject matter as alleged and in fact, actually teach away from the problems addressed by the Applicants' disclosure, e.g., limited bandwidth and limited memory. This is because, for example, the Zubeldia reference actually refers to the use of certificate revocation lists which, as Applicants noted in the Background of the Invention is a known method of certificate revocation that has problems. For example, in a mobile device, using a CRL can be problematic due to bandwidth restrictions and processing requirements. (See Specification, paragraph 9). Thus, not only does Zubeldia not disclose certificate revocation notifications that are transmitted over a broadcast channel, Zubeldia also teaches the use of CRLs which Applicants do not claim. Accordingly, these claims are allowable at least for these reasons.

In addition, Applicants also respectfully note that claims 11, 19 and 22 also include the use of signed comparison data. As noted above, with respect to claim 1, such signed comparison data is not received or used in an authentication process in either of the references, alone or in combination and as such, these claims are in condition for allowance for these reasons as well.

The dependent claims add additional novel and non-obvious subject matter.

Claims 7, 8, 16, 17, 20, 21, and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Simon in view of Zubeldia and in view of U.S. Publication No. 2004/0110504 ("Kenagy"). Applicants respectfully reassert the relevant remarks made above. For example, Simon in view of Zubeldia does not teach or suggest, as to claim 24, authentication that includes "generating a first verification value from the signed comparison data and the data representing a certificate of interest; generating a second verification value based on the certification authority identifier and the revocation reason data; and comparing the first verification value with the second verification value." Kenagy, as best understood, does not disclose anything that, when

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viewed in light of Simon and/or Zubeldia, would make the claimed subject matter, e.g., the authentication method, obvious to one of ordinary skill in the art. Therefore, these claims are in condition for allowance.

Claims 14 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Simon in view of Zubeldia and in view of U.S. Patent 6,775,771 ("Shrader"). Applicants respectfully reassert the relevant remarks made above. Furthermore, since claims 14 and 23 contain all of the limitations of the claims from which they depend and since those claims are allowable, claims 14 and 23 are also in condition for allowance.

Applicants' attorney also wishes to thank the Examiner for the courtesies extended during the telephone conference of June 19, 2007 where it was discussed that Applicants believe that the Final Action was improper since the reason given for applying the Simon reference was different from that in the Non-Final Action. However, Applicants respectfully submit that the above remarks point out that the rejection in any form as presented does not render the claims unpatentable and in fact, the claims are in condition for allowance as the references do not teach what is alleged.

Reconsideration and withdrawal of the rejection of the claims is respectfully requested and a Notice of Allowance is respectfully requested.

Respectfully submitted,

Dated: 7-16-07   By: _Christopher J. Reckamp_
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